

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 489A

Case No. 88-9M/85-7C

(PUD - Alpine Associates)

May 9, 1988

In Z.C. Case No. 85-7C and by Z.C. Order No. 489 dated July 14, 1986, the Zoning Commission for the District of Columbia approved a Planned Unit Development (PUD) for lots 42, 853, and 854 in Square 568, located at the northeast corner of the intersection of Third and E Streets, N.W. That approval was for the construction of an eleven (11) story office building with ground floor retail uses.

On March 21, 1988, the Zoning Commission received an application from the Alpine Associates Limited Partnership requesting a modification to the plans that were approved in Z.C. Case No. 85-7C. The application further requests that, in the alternative, the Zoning Commission waive the requirement of 11 DCMR 3029.5 (1987) that a motion for reconsideration must be filed within ten days of the date that an order becomes final, reconsider Z.C. Order No. 489 as associated with the approved plans in Z.C. Case No. 85-7C, and grant approval to a modification of those plans.

The requested modification would allow for the construction of a terrace at the southwest corner of the tenth floor of the proposed building. As a result of that modification, the building floor area ratio (FAR) will increase 0.02 and the ninth floor plan and elevation will be slightly changed to accommodate the terrace above.

On April 11, 1988, at its regular monthly meeting, the Zoning Commission authorized a public hearing for the instant application. Amidst some confusion regarding the Commission's action, counsel for the applicant, by letter dated April 14, 1988, requested the Commission to clarify its action of April 11, 1988. The applicant requested the Commission to grant design change in the same manner as the Commission granted a similar request for modification of approval plans in a different case.

On April 18, 1988, at a special meeting, the Zoning Commission considered the applicant's April 14, 1988 letter,

waived the 10-day filing requirement of 11 DCMR 3029.5, and proposed to approve the modification to the previously approved plans.

At that same meeting, the Zoning Commission left the record open for Advisory Neighborhood Commission (ANC) - 2C to comment on the applicant's letter of April 14, 1988.

On May 9, 1988, at its regular monthly meeting, the Zoning Commission considered a letter dated May 5, 1988 from ANC-2C indicating that the ANC took no position on the applicant's request.

The Commission concurs with the applicant's request, and determined that a terrace at the proposed location would not be unreasonable nor inappropriate. The Commission believes that the FAR increase of 0.02 and the design change would be negligible and would have no adverse affects.

The Commission believes that its proposed action to approve the modification of the previously approved plans is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a modification to Z.C. Order No. 489 and specifically to the previously approved plans, subject to the following guidelines, conditions, and standards:

1. The approved Planned Unit Development plans associated with Z.C. Order No. 489 shall be modified to allow for the construction of a terrace at the southwest corner of the tenth floor of the PUD project, as shown on the plans marked as Exhibit No. 4 of the record in Case No. 88-9M/85-7C.
2. The floor area ratio of the PUD project shall increase by no more than 0.02 FAR as a result of the construction of the terrace.
3. The building plans and elevations shall be modified only to the extent that the terrace construction has changed the drawings.
4. Applicant is hereby authorized and directed to file an amendment to the covenant dated December 5, 1986 between the owner and the District of Columbia, which amendment shall be satisfactory to the Office of the Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs, and shall bind the applicant and successors in title to construct on and use this property in accordance with

Z.C. Order No. 489, this Order, and any further amendments thereto which the Zoning Commission may adopt.

5. No building permit or certificate of occupancy shall be issued for this Planned Unit Development until the applicant has recorded in the land records of the District of Columbia the covenant required by condition numbered 4 of this order.
6. The Zoning Secretariat shall not release the Z.C. file in this case to the Zoning Administrator until the applicant has filed with the Zoning Commission a certified copy of the covenant required by condition numbered 4 of this order.

Vote of the Zoning Commission taken at the special meeting of April 18, 1988: 3-0 (John G. Parsons, Lindsley Williams, and Maybelle T. Bennett, to approve; Elliott Carroll, not voting, not having participated in the case; and Patricia N. Mathews, not present, not voting).

This order was adopted by the Zoning Commission at its public meeting on May 9, 1988 by a vote of 5-0 (John G. Parsons, Patricia N. Mathews, Lindsley Williams, Maybelle T. Bennett, and Elliott Carroll).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on

01 JUL 1988


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

zcorder489A/EB35